

Appl. No. 10/670,043
Docket No. CM2700L
Amdt. dated September 1, 2006
Reply to Office Action mailed on July 3, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 16–18 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 U.S.C. § 102(b) Over Carlucci et al. (EP 1 138 293)

Claims 16–18 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Carlucci et al '293. The Applicants respectfully traverse the rejection because Carlucci et al., as cited in the final Office Action, does not teach all elements of Claim 16 of the present application.

The final Office Action fails to identify portions of Carlucci et al. teaching an absorbent core comprising a liquid absorbent thermoplastic composition comprising a water absorbent polymeric base material and particles of superabsorbent material, as in Claim 16 of the present application. Paragraphs [0032] and [0033] of Carlucci et al., cited in the final Office Action, teach a fluid storage layer and a fluid storage layer comprising a superabsorbent, respectively. The fluid storage layer in Carlucci et al. may include creped cellulose wadding, modified crosslinked cellulose fibers, absorbent foams, absorbent sponges, and polymeric fibers, as indicated in the final Office Action. The fluid storage layer in Carlucci et al. may also include hydrogels, superabsorbent or hydrocolloid materials, as stated in the final Office Action. Neither of the portions of Carlucci et al. cited in the final Office Action teach a liquid absorbent thermoplastic composition comprising a water absorbent polymeric base material and particles of superabsorbent material, as in Claim 16 of the present application.

Furthermore, Claim 16 of the present application claims superabsorbent material having a substantially angle-lacking shape and having an average particle diameter in a dry state from about 0.1 μm to about 500 μm . The final Office Action fails to cite any portion of Carlucci et al. teaching particles of superabsorbent material having either of these characteristics, which are claimed in Claim 16 of the present application.

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Based on the above, the Applicants submit that Claim 16 of the present application is allowable over Carlucci et al. under 35 U.S.C. § 102(b). Because Claims 17 and 18 depend upon Claim 16, the Applicants submit that Claims 17 and 18 are also allowable over Carlucci et al.

Rejection Under 35 U.S.C. § 103(a) Soerens et al. (US 6,822,135) in View of Kimura et al. (US 5,026,800)

Claims 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Soerens et al. in view of Kimura et al. The Applicants respectfully traverse the rejection because the references fail to establish a *prima facie* case of obviousness because the references, when combined, fail to teach or suggest all of the claim limitations of Claims 16-18.

The final Office Action fails to identify portions of Soerens et al. or Kimura et al. teaching or suggesting a thermoplastic composition comprising a water absorbent polymeric base material, as claimed in the present application. In the portion of Soerens et al. cited in the final Office Action (Column 4, Lines 8-32), the binder material is described as being crosslinked. A crosslinked binder composition cannot be considered to be thermoplastic due to the presence of the crosslinks between the polymer chains. Crosslinked materials, like those in Soerens et al., are known as thermosets, not thermoplastics, which are claimed in the present application. The portions of Kimura et al. cited in the final Office Action also do not teach or suggest a thermoplastic composition comprising a water soluble polymeric base material, as claimed in the present application. Neither Soerens et al. or Kimura et al., as cited in the final Office Action, teach or suggest a thermoplastic composition comprising a water absorbent polymeric base material. Therefore, the final Office Action fails to establish a *prima facie* case of obviousness.

Based on the above, the Applicants submit that Claim 16 of the present application is allowable over Soerens et al. in view of Kimura et al. Because Claims 17 and 18 depend upon Claim 16, the Applicants submit that Claims 17 and 18 are also allowable over Soerens et al. in view of Kimura et al.

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Rejection Under 35 U.S.C. § 103(a) Over Dutkiewicz et al. (US 6,562,742) in View of
Kimura et al. (US 5,026,800)

Claims 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dutkiewicz et al. in view of Kimura et al. The Applicants respectfully traverse the rejection because the references fail to establish a *prima facie* case of obviousness because the references, when combined, fail to teach or suggest all of the claim limitations of Claims 16-18.

The final Office Action fails to identify any portions of Dutkiewicz et al. or Kimura et al. teaching or suggesting a thermoplastic composition comprising a water absorbent polymeric base material, as claimed in the present application. The final Office Action cites Dutkiewicz et al. as disclosing an absorbent structure comprising an upper ply and lower ply wherein each ply contains binder/s and superabsorbent particles. The final Office Action cites Kimura et al. as disclosing a water absorbent resin wherein the shape is angle-lacking. Neither Dutkiewicz et al. or Kimura et al., as cited in the final Office Action, teaches or suggests a thermoplastic composition comprising a water absorbent polymeric base material. Therefore, the final Office Action fails to establish a *prima facie* case of obviousness.

Based on the above, the Applicants submit that Claim 16 of the present application is allowable over Dutkiewicz et al. in view of Kimura et al. Because Claims 17 and 18 depend upon Claim 16, the Applicants submit that Claims 17 and 18 are also allowable over Dutkiewicz et al. in view of Kimura et al.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §§ 102 and 103. Early and favorable action in the case is respectfully requested.

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This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application and allowance of Claims 16-18 are respectfully requested.

Respectfully submitted,

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